

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA**

**Case No. 3:08-cr-175**

**Plaintiff,**

**-v-**

**Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

**JEREMY E. LEWIS,**

**Defendant.**

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**ENTRY AND ORDER OVERRULING LEWIS'S OBJECTIONS (Doc. #187) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #185) REGARDING LEWIS'S LATEST MOTION FOR RELIEF FROM JUDGMENT; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS REGARDING LEWIS'S LATEST MOTION FOR RELIEF FROM JUDGMENT IN ITS ENTIRETY; DENYING LEWIS'S LATEST MOTION FOR RELIEF FROM JUDGMENT AND, BECAUSE REASONABLE JURISTS WOULD NOT DISAGREE WITH THIS CONCLUSION, DENYING LEWIS A CERTIFICATE OF APPEALABILITY ON THIS MOTION AND CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS**

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This case is before the Court on Defendant Jeremy E. Lewis's ("Lewis's") latest Motion for Relief from Judgment under Fed. R. Civ. P. 60(b). (Doc. #183.) On July 24, 2012, this Court denied Lewis's prior Motion for Relief from Judgment. Lewis now seeks relief from this Order.

On July 12, 2013, Magistrate Merz issued a Report and Recommendations recommending that Lewis's latest Motion for Relief from Judgment be denied, that any request for a certificate of appealability be denied and that the Court certify to the Sixth Circuit that any appeal would be objectively frivolous. (Doc. #185.) Lewis has objected to this Report and Recommendations (doc. #187) and the time has run and the Government has not responded to

Lewis's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Lewis's Objections to the Magistrate Judge's Report and Recommendations regarding Lewis's latest Motion for Relief from Judgment are not well-taken, and they are hereby **OVERRULED**.

The Magistrate Judge's Report and Recommendations regarding Lewis's latest Motion for Relief from Judgment are adopted in their entirety. Lewis's latest Motion for Relief from Judgment (doc. #183) is denied. Further, Lewis is denied any requested Certificate of Appealability of the denial of this Motion for Relief from Judgment and any appeal thereof would be objectively frivolous.

**DONE** and **ORDERED** in Dayton, Ohio, this Twenty-Third Day of September, 2013.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Jeremy E. Lewis at his last known address of record